

Senate Study Bill 1157 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON BEALL)

A BILL FOR

1 An Act relating to the Iowa veterans home and providing for
2 the consideration of contributions to support as repayment
3 receipts.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 35D.1, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. The Iowa veterans home, located in Marshalltown, shall
4 be maintained as a long-term health care facility providing
5 multiple nursing and residential levels of care,~~with attendant~~
6 ~~health care services,~~ for honorably discharged veterans and
7 their dependent spouses, and for surviving spouses of honorably
8 discharged veterans, and gold star parents. Eligibility
9 requirements for admission to the Iowa veterans home shall
10 coincide with the eligibility requirements for ~~hospitalization~~
11 care and treatment in a United States department of veterans
12 affairs facility pursuant to 38 U.S.C. § 1710, and regulations
13 promulgated under that section, as amended. For the purposes
14 of this subsection, "gold star parent" means a parent of a
15 deceased member of the United States armed forces who died
16 while serving on active duty during a time of military conflict
17 or who died as a result of such service.

18 Sec. 2. Section 35D.2, subsection 1, Code 2013, is amended
19 to read as follows:

20 1. Persons described in section 35D.1 who ~~do not have~~
21 ~~sufficient means for their own support, or~~ are disabled by
22 disease, wounds injury, or old age, or otherwise and meet
23 the qualifications for nursing or residential care, and are
24 unable to earn a livelihood, and who are residents of the
25 state of Iowa on the date of the application and immediately
26 preceding the date the application is accepted, may be admitted
27 to the home as members under rules adopted by the commission.
28 Eligibility determinations are subject to approval by the
29 commandant.

30 Sec. 3. Section 35D.4, subsection 2, Code 2013, is amended
31 to read as follows:

32 2. The cottages may be made available to persons on the
33 staff of the home at a rental rate determined by the ~~commission~~
34 commandant.

35 Sec. 4. Section 35D.5, Code 2013, is amended to read as

1 follows:

2 **35D.5 Surviving spouses of veterans.**

3 If a deceased veteran, who would be entitled to admission
4 to the home if the deceased veteran were living, has left a
5 surviving spouse, the spouse is entitled to admission to the
6 home with the same rights, privileges, and benefits as if the
7 veteran were living and a member of the home, if the spouse
8 was married to the veteran for at least one year immediately
9 prior to the veteran's death, is found by the commandant to
10 be disabled, ~~does not have sufficient means for support and~~
11 ~~maintenance~~ meets the qualifications for nursing or residential
12 level of care, and is a resident of the state of Iowa on the
13 date of the application and immediately preceding the date the
14 application is accepted.

15 Sec. 5. Section 35D.6, Code 2013, is amended to read as
16 follows:

17 **35D.6 Certificate of eligibility.**

18 Before admission, each applicant shall file with the
19 commandant an affidavit signed by two members of the commission
20 of veteran affairs of the county in which the person resides,
21 stating that the person to the best of their knowledge and
22 belief is a resident of that county and that the person is
23 unable to earn a livelihood and the person's income, ~~exclusive~~
24 ~~of pension, compensation, war risk insurance payments, or~~
25 ~~pensions or annuities under the Social Security Act and the~~
26 ~~Railroad Retirement Acts~~, is less than is sufficient to provide
27 the type of health care necessary for the person's welfare.
28 The affidavit is conclusive evidence of the residence of the
29 person but is prima facie only in all other matters affecting
30 the eligibility of the applicant and the liability of the
31 county with respect to the expense of the person for which the
32 county may be liable. All records of admission shall show the
33 residence of the applicant.

34 Sec. 6. Section 35D.7, Code 2013, is amended to read as
35 follows:

1 **35D.7 Contributing to own support.**

2 1. Except as otherwise provided in chapter 249A and other
3 provisions of this chapter, a member of the home who receives
4 a pension, compensation, or gratuity from the United States
5 government, or income from any source of more than ~~twenty-five~~
6 one hundred forty dollars per month, shall contribute to the
7 member's own maintenance or support while a member of the home.
8 The amount of the contribution and the method of collection
9 shall be determined by the ~~director~~ commandant, but the
10 amount shall in no case exceed the actual cost of keeping and
11 maintaining the person in the home.

12 2. Sums paid to and received by the commandant for the
13 support of members of the home shall be ~~paid monthly by the~~
14 ~~commandant to the treasurer of state and~~ considered repayment
15 receipts as defined in section 8.2 and credited to the general
16 fund of the state Iowa veterans home account referred to in
17 section 35D.18, subsection 3.

18 3. The commandant may ~~require~~ allow any member of the home
19 to render assistance in the care of the home and its grounds as
20 the member's psychosocial and physical condition permit, as a
21 phase of that member's rehabilitation program. The commandant
22 shall compensate each member who furnishes assistance at rates
23 ~~established~~ approved by the commission.

24 Sec. 7. Section 35D.10, Code 2013, is amended to read as
25 follows:

26 **35D.10 Payment to ~~dependents~~ spouse.**

27 Except as otherwise provided in chapter 249A and other
28 provisions of this chapter, a member of the home who receives
29 a pension or compensation and who has ~~a child, as defined in~~
30 ~~section 234.1, or a spouse who is dependent upon employment or~~
31 ~~others for support~~ shall deposit with the commandant on receipt
32 of the member's pension or compensation check one-half of its
33 amount, which shall be sent by the eighth day of the month or at
34 once if any such pension or compensation is received after the
35 eighth day of the month to the spouse ~~or, if there is no spouse,~~

1 ~~to the guardian of the child. The commandant, if satisfied~~
2 ~~that the spouse has deserted the member of the home, may pay~~
3 ~~the money deposited to the guardian of the child.~~

4 Sec. 8. Section 35D.11, subsection 1, Code 2013, is amended
5 to read as follows:

6 1. Pension money deposited with the commandant is not
7 assignable for any purpose except as provided in ~~sections~~
8 section 35D.10 and 35D.16, or in accordance with subsection 2
9 of this section.

10 Sec. 9. Section 35D.12, subsection 1, Code 2013, is amended
11 to read as follows:

12 1. a. The Iowa veterans home, for the convenience of its
13 members, may maintain a commercial account with a federally
14 insured bank for the individual personal deposits of its
15 members. The account shall be known as the Iowa veterans home
16 membership account. The commandant shall record each member's
17 personal deposits individually and shall deposit the funds in
18 the membership account, where the members' deposits shall be
19 held in the aggregate.

20 b. The Iowa veterans home may withdraw moneys from the
21 account maintained pursuant to this subsection to establish
22 certificates of deposit for the benefit of all members. The
23 commission shall adopt rules pursuant to chapter 17A for the
24 administration of this paragraph.

25 Sec. 10. Section 35D.13, subsection 2, Code 2013, is amended
26 to read as follows:

27 2. The commandant shall be a resident of the state of
28 Iowa who served in the armed forces of the United States
29 and was honorably discharged, ~~and is a licensed nursing home~~
30 ~~administrator.~~

31 Sec. 11. Section 35D.15, subsection 2, paragraph a,
32 subparagraph (3), Code 2013, is amended to read as follows:

33 (3) ~~The member's medical or life skills needs have been~~
34 ~~met to the extent possible through the services provided by~~
35 ~~the Iowa veterans home and the member no longer requires a~~

1 residential or nursing level of care, as determined by the
2 interdisciplinary resident care committee.

3 Sec. 12. Section 35D.15, subsection 2, paragraph g,
4 subparagraph (2), Code 2013, is amended to read as follows:

5 (2) "*Interdisciplinary resident care committee*" means the
6 member, a social worker, a registered nurse, a dietitian,
7 a medical provider, and a recreation specialist, ~~and other~~
8 ~~staff, as appropriate,~~ who are involved in reviewing a member's
9 assessment data and developing a collaborative care plan for
10 the individual member.

11 Sec. 13. Section 35D.18, subsection 2, Code 2013, is amended
12 to read as follows:

13 2. The net appropriation made to the Iowa veterans home may
14 be used throughout the fiscal year in the manner necessary for
15 purposes of cash flow management, ~~and for cash flow management,~~
16 ~~the.~~ The Iowa veterans home may temporarily draw more than the
17 amount appropriated, provided the amount appropriated is not
18 exceeded at the close of the fiscal year.

19 Sec. 14. REPEAL. Sections 35D.8 and 35D.16, Code 2013, are
20 repealed.

21 EXPLANATION

22 This bill relates the Iowa veterans home.

23 The bill makes certain changes to terminology related to
24 the levels of care and treatment provided at the Iowa veterans
25 home to specify the provision of nursing and residential levels
26 of care. The bill also provides that gold star parents may be
27 provided care at the Iowa veterans home and defines "gold star
28 parent" as any parent of a deceased member of the United States
29 armed forces who died while serving on active duty during a
30 time of military conflict or who died as a result of such
31 service.

32 The bill amends provisions relating to admissions
33 requirements to provide that the only persons who may be
34 admitted are persons who are disabled by disease, injury, or
35 old age and meet qualifications for nursing or residential

1 care. The bill also makes changes to admissions provisions by
2 removing a provision allowing admission for persons who do not
3 have sufficient means for their own support. The bill makes
4 similar changes relating to admission of the surviving spouses
5 of veterans.

6 The bill provides that the commandant of the veterans home
7 shall determine certain rental rates for cottages rented
8 by staff, rather than having such rates determined by the
9 commission of veterans affairs as provided under current law.

10 The bill removes certain personal income exclusions from the
11 income qualification portion of the certificate of eligibility
12 required to be signed by two members of the county commission
13 of veterans affairs.

14 The bill requires that members of the veterans home with
15 incomes of more than \$140 per month contribute to their own
16 support. Current law requires that members of the veterans
17 home with incomes of more than \$25 per month contribute to
18 their own support. The bill provides that the commandant shall
19 determine the amount of any such contributions rather than the
20 director of the department of veterans affairs as required
21 under current law. The bill also requires that the sums paid
22 for such support be considered repayment receipts and are
23 credited to the Iowa veterans home account rather than to the
24 general fund of the state as required under current law. The
25 bill makes additional changes related to assistance provided by
26 members of the veterans home.

27 The bill makes certain changes related to the payment to
28 dependents from any pension or compensation received by a
29 member of the veterans home. The bill provides that payments
30 shall be sent by the commandant to a spouse of a member by
31 the eighth day of the month or immediately if the payment or
32 compensation is received after the eighth day of the month.
33 The bill removes provisions regarding payment to certain
34 children under Code section 234.1.

35 The bill allows the Iowa veterans home to withdraw moneys

1 from the Iowa veterans home membership account in order to
2 establish certificates of deposit for the benefit of all
3 members of the Iowa veterans home. The commission shall
4 adopt rules for the administration of any program for such
5 withdrawals.

6 The bill removes the requirement that the commandant of the
7 Iowa veterans home be a licensed nursing home administrator.
8 The bill makes certain additional changes related to
9 involuntary discharge of members and the composition of the
10 interdisciplinary resident care committee. The bill also
11 provides that the Iowa veterans home may temporarily draw
12 more than the amount appropriated from the general fund for
13 any purpose, provided the amount appropriated is not exceeded
14 at the close of the fiscal year. Under current law, the
15 veterans home is only permitted to draw more than the amount
16 appropriated for cash flow purposes.

17 The bill repeals Code sections 35D.8 and 35D.16 related
18 to conditional admittance to the home and the disposition of
19 active duty members charged with a military offense.